



JON M. HUNTSMAN, JR.
Governor

GARY R. HERBERT
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Oil Gas and Mining

JOHN R. BAZA
Division Director

Page 1 of 2

Notice of Violation ☐ No. N-07-58-02

CERTIFIED RETURN RECEIPT # 7002 0510 0003 8603 4025

To the following Permittee or Operator:

Permittee/Operator Name: Staker & Parsons Companies/ attn: Mr. Mike Dalley, Contact

Mine Name: Beck Street ☒ Surface ☐ Underground ☐ Other

County: Salt Lake State: Utah Telephone Number: 801-262-9378

Business Address: 151 West Vine Street, Murray UT 84107

Permit Number: M/035/019

Ownership Category: ☐ State ☐ BLM ☐ USFS ☒ Fee ☐ Other

Date of Inspection: Oct. 4, 2007 Time: 2:00 ☐ a.m. ☒ p.m. to 4:00 ☐ a.m. ☒ p.m.

Under authority of the Utah Mined Land Reclamation Act, Section 40-8-1 et seq., *Utah Code Annotated*, 1953, the undersigned authorized representative of the Division of Oil, Gas, and Mining has conducted an inspection of above mine on above date and has found that a Notice of Violation or Cessation Order must be issued with respect to the conditions, practices, or violations listed. In accordance with Section 40-8-9, *Utah Code Annotated*, you are ordered to cease immediately the operations or activity described and to perform the required actions described within the designated time for abatement.

The undersigned representative finds that this order ☐ does require cessation of all mining;

☒ does not require cessation of all mining.

For this purpose, "mining" means development of, or extraction of a mineral deposit, including transportation within or from the mine site, concentrating, milling, evaporation, or other processing. Mining and/or reclamation operations not directly the subject of this order shall continue while this order is in effect. You are responsible for doing all work in a safe and workmanlike manner.

This order shall remain in effect until it is modified, terminated or vacated by written notice of an authorized representative of the director of the Division of Oil, Gas, and Mining.

Date of service/mailling: 12/14/07 Time of service/mailling 3:30 ☐ a.m. ☒ p.m.

Permittee or Operator Representative

Title

Signature

Beth Ericksen

Division of Oil, Gas and Mining Representative

Mining Engineer

Title

Signature



IMPORTANT – READ CAREFULLY

1. PENALTIES.

a. **Proposed assessment.** The Division of Oil, Gas, and Mining (DOGM) assesses fines based upon a proposed assessment recommended by an assessment officer. You may submit written information pertaining to violation(s) covered by this order within 15 days of the date this notice or order is served on you or your agent. Information will be used by the assessment officer in determining facts surrounding the violation(s) and amount of penalty. A representative of the DOGM will serve the proposed assessment on you or your agent within 30 days of issuance of notice or order.

b. **Assessment.** The penalty will be final unless you or your agent file a written request within 15 days of receipt of proposed assessment for an informal hearing before the assessment officer.

For each violation included in this notice, a penalty of up to \$5,000 may be assessed for each separate day the violation continues.

If you fail to abate any violation within the time set for abatement or for meeting any interim step, you will be assessed an additional minimum penalty of \$750 for each day of continuing violation beyond the time set for abatement. In addition, if you fail to abate any violation as required you will be issued a Cessation Order requiring you to cease mining operations on the portion of the operations relevant to the violation.

2. STOP WORK CONFERENCE.

A Stop Work Conference may be requested if this notice requires cessation of all mining. On the reverse of this page, the authorized representative has made a finding as to whether or not this notice requires cessation of all mining. (See Utah Admin. R. 647-6-102.4 et seq.)

You must request the Stop Work Conference within 30 days after service of this Cessation Order. The conference must be held within 5 days of your request. You will be notified of the date, time, and location of the conference.

Administrative Secretary
Associate Director of Mining
1594 West North Temple, Suite 1210
PO Box 145801
Salt Lake City, Utah 84114-5801

3. FORMAL REVIEW AND TEMPORARY RELIEF.

You may apply for review of this notice, order or proposed assessment before the Board of Oil, Gas, and Mining by submitting an application for hearing within 30 days of receipt of notice or assessment by you or your agent. Apply to:

Secretary
Board of Oil, Gas, and Mining
1594 West North Temple, Suite 1210
PO Box 145801
Salt Lake City, Utah 84114-5801

If applying for a formal board hearing, you may submit with your petition for review a request for temporary relief from this notice. Procedures for obtaining a formal board hearing are contained in the board's Rules of Practice and Procedure and in Utah Admin. R. 647-5 et seq.

4. INDIVIDUAL CIVIL PENALTIES.

An additional individual civil penalty of up to \$5000 per day may be assessed against any corporate director, officer, or agent who knowingly and willfully authorized, ordered or carried out a violation or who fails or refuses to comply with an order.

For further information, consult *Utah Code Annotated* Section 40-8-9, 9.1, Utah Admin. R. 647-6, 7, 8 seq. or contact the Division of Oil, Gas, and Mining at (801) 538-5304.

Please send your conference request to:

Notice of Violation NO. N2007-58-02

Violation No. 1 of 1

Nature of condition, practice, or violation:

A site inspection occurred on Oct. 4, 2007 that resulted in informing the Operator that signs were missing at the topsoil area, the fines piles had not been tested, and information was required about how the disturbed (but not currently being used or utilized) 58° highwall on the south end of the property was being kept environmentally stable and safe.

Provisions of act, regulations, or permit violated:

40-8-18.4(a), 40-8-12.2, R647-4-107.6, permit conditions violation (4.6) testing the fines, (9.1) signs at topsoil piles, (7.2) extent of reclamation, highwall benches

(Check box if appropriate:)

- Condition, practice, or violation is creating an imminent danger to health or safety of the public.
☐ Permittee/Operator is/has been conducting mining activities without a permit.
☒ Condition, practice, or violation is causing or can reasonably be expected to cause significant, imminent environmental harm to land, air, or water resources.
☐ Permittee or Operator has failed to abate Violation(s) No. _____ included in Notice of Violation No. or Cessation Order No. M _____ within time for abatement originally fixed or subsequently extended.

Mining activity to be ceased immediately: no

Affirmative obligation(s) or required action and abatement time (if applicable):

1. Provide information about how the southern end 58° highwall that is not currently used is being kept in an environmentally stable and safe manner. The information required will include how run-off and sediment is being controlled, location monitoring, minimizing rock fall hazards, and the practices as outlined in section 7.2 of the plan. Per 7.2, provide dates seeding and/or reseeding occurred on the completed highwall benches. 2. Install signs at the topsoil locations and provide photos and a written response to the Division once installation occurs. 3. Test the fines piles in the area and provide the following information to the Division: number of samples taken, data, and test results. Numbered items 1 & 3 above must be incorporated into the mining and reclamation plan and approved by the Division. Numbered item 3 data and results must meet the satisfaction of the Division.

Time frame for affirmative obligations numbered 1,2, 3 is as follows: Within 7-business days of the receipt date of this NOV: 1. will include initial draft submittal to the Division which include details of the monitoring plan, rock-fall hazard minimization and run-off management methods, and practices per 7.2 of the plan. 2. Install signs at topsoil locations per the plan and provide photos accompanied by a written response. 3. Provide all information including test results to the Division. Thirty (30) days from the receipt of this NOV, 1. must be incorporated into the mining and reclamation plan.

Operator is given a 7-day time frame due to lack of diligence on their part. A letter was mailed on October 10, 2007 outlining action requirements, Operator responded to the letter and a meeting was held on Nov. 5, 2007, a
NOV/CO

Division letter was sent Nov. 27, 2007 advising Operator to respond in writing to all issues. Operator has failed to respond via action, letter, or phone calls.

pb

cc:

Beth Ericksen, DOGM

Daron Haddock, DOGM

P:\GROUPS\MINERALS\WP\M035-SaltLake\M0350019-Staker\NonCompliance\NOV-CO-staker.doc